

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to telehealth

The Board of Speech Pathology and Audiology hereby adopts new Chapter 301, “Practice of Speech Pathologists and Audiologists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 154F.

Purpose and Summary

The adopted chapter provides the minimum standards of care for speech pathologists and audiologists when they are providing services during a telehealth appointment. The adopted rule making adds a new Chapter 301 and instructs that when a speech pathologist or audiologist provides services to a patient remotely, the services must be provided in accordance with the new chapter in order to adequately inform and protect the patient during the telehealth appointment.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 7, 2021, as **ARC 5556C**. A virtual public hearing was held on April 28, 2021, at 9 a.m. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on July 16, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 29, 2021.

The following rule-making action is adopted:

Adopt the following **new** 645—Chapter 301:

CHAPTER 301
PRACTICE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

645—301.1(147) Telehealth visits. A licensee may provide speech pathology or audiology services to a patient utilizing a telehealth visit if the services are provided in accordance with the following:

301.1(1) “Telehealth visit” means the provision of speech pathology or audiology services by a licensee to a patient using technology where the licensee and the patient are not at the same physical location during the appointment.

301.1(2) A licensee engaged in a telehealth visit shall utilize technology that is secure and HIPAA-compliant and that includes, at a minimum, audio and video equipment that allows two-way real-time interactive communication between the licensee and the patient. A licensee may use non-real-time technologies to prepare for an appointment or to communicate with a patient between appointments.

301.1(3) A licensee engaged in a telehealth visit shall be held to the same standard of care as a licensee who provides in-person speech pathology or audiology services. A licensee shall not utilize a telehealth visit if the standard of care for the particular speech pathology or audiology service cannot be met using technology.

301.1(4) Prior to the first telehealth visit, a licensee shall obtain informed consent from the patient specific to the services that will be provided in a telehealth visit. At a minimum, the informed consent shall specifically inform the patient of the following:

- a.* The risks and limitations of the use of technology to provide speech pathology or audiology services;
- b.* The potential for unauthorized access to protected health information; and
- c.* The potential for disruption of technology during a telehealth visit.

301.1(5) A licensee shall only provide speech pathology or audiology services using a telehealth visit in the areas of competence wherein proficiency in providing the particular service using technology has been gained through education, training, and experience.

301.1(6) A licensee shall identify in the clinical record when speech pathology or audiology services are provided utilizing a telehealth visit.

This rule is intended to implement Iowa Code chapters 147 and 154F.

[Filed 8/3/21, effective 9/29/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/25/21.